

ORIGINAL



0000079666

BEFORE THE ARIZONA CORPORATION COMMISSION

254

COMMISSIONERS

MIKE GLEASON, Chairman  
WILLIAM A. MUNDELL  
JEFF HATCH-MILLER  
KRISTIN K. MAYES  
GARY PIERCE

2007 DEC 10 P 2:49

AZ CORP COMMISSION  
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

DEC 10 2007

DOCKETED BY

nr

IN THE MATTER OF THE APPLICATION OF  
WATER UTILITY OF GREATER TONOPAH,  
AN ARIZONA CORPORATION FOR AN  
EXTENSION TO ITS CERTIFICATE OF  
CONVENIENCE AND NECESSITY.

DOCKET NO. W-02450A-07-0290

AMENDED PROCEDURAL ORDER

**BY THE COMMISSION:**

On May 11, 2007, Water Utility of Greater Tonopah ("WUGT" or "Applicant") filed with the Arizona Corporation Commission ("Commission") an application for an extension to its Certificate of Convenience and Necessity ("CC&N") to provide water services in Maricopa County.

On May 18, 2007, WUGT filed a Compliance Status Report issued by the Maricopa County of Environmental Services Department ("MCESD").

On May 23, 2007, WUGT filed a Notice of Filing Late-Filed Exhibit which included the legal description for the proposed extension area.

On June 11, 2007, the Commission's Utilities Division ("Staff") filed an Insufficiency Letter in this docket.

On June 12, 2007, WUGT filed a Notice of Filing, which provided storage calculations for its water systems.

On August 9, 2007, Applicant filed its Response to Staff's Insufficiency Letter.

On September 6, 2007, Staff filed a second Insufficiency Letter.

On October 5, 2007, WUGT filed its Response to Staff's Second Insufficiency Letter.

On October 26, 2007, WUGT filed a Notice of Filing a revised legal description.

On November 2, 2007, Staff filed a Sufficiency Letter in this docket indicating WUGT's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

1 On November 27, 2007, by Procedural Order, the hearing in this matter was scheduled to  
2 commence on January 17, 2008 and other procedural deadlines were established.

3 On November 29, 2007, Staff filed a Motion to Reset Hearing Date, requesting that the  
4 hearing be reset to begin the first week in February 2008.

5 Pursuant to A.A.C. R14-3-101, the Commission now issues this Amended Procedural Order  
6 to govern the preparation and conduct of this proceeding.

7 IT IS THEREFORE ORDERED that the **hearing** in the above-captioned matter shall be held  
8 on **February 8, 2008 at 10:00 a.m.**, or as soon thereafter as is practical, at the Commission's offices,  
9 1200 West Washington Street, Phoenix, Arizona 85007.

10 IT IS FURTHER ORDERED that **intervention** shall be in accordance with A.A.C. R14-3-  
11 105, except that all Motions to Intervene must be filed on or before **January 22, 2008**.

12 IT IS FURTHER ORDERED that **objections to any Motions to Intervene** must be filed no  
13 later than **February 1, 2008**.

14 IT IS FURTHER ORDERED that WUGT shall provide public notice of the hearing in this  
15 matter, in the following form and style, with the heading no less than 10 point bold type and the body  
16 no less than 10 point regular type:

17 **PUBLIC NOTICE OF THE HEARING ON THE APPLICATION OF WATER**  
18 **UTILITY OF GREATER TONOPAH FOR AN EXTENSION OF ITS**  
19 **CERTIFICATE OF CONVENIENCE AND NECESSITY TO PROVIDE**  
**WATER SERVICES.**  
**(DOCKET NO. W-02450A-07-0290)**

20 On May 11, 2007, Water Utility of Greater Tonopah ("WUGT" or "Applicant")  
21 filed with the Arizona Corporation Commission ("Commission") an application  
22 for an extension to its Certificate of Convenience and Necessity ("CC&N") to  
23 provide water services in Maricopa County. The Commission's Utilities Division  
24 ("Staff") has not yet made a recommendation regarding WUGT's application, and  
25 the Commission is not bound by the proposals made by WUGT, Staff, or any  
26 intervenors. The Commission will issue a decision regarding WUGT's application  
following consideration of testimony and evidence presented at an evidentiary  
hearing. Copies of the application are available at WUGT's offices [insert  
address] and the Commission's offices at 1200 West Washington, Phoenix,  
Arizona, for public inspection during regular business hours and on the internet  
via the Commission website (www.azcc.gov) using the e-docket function.

27 The Commission will hold a hearing on this matter beginning **February 8,**  
28 **2008, at 10:00 a.m.**, at the Commission's offices, 1200 West Washington,  
Phoenix, Arizona. Public comments will be taken on the first day of the  
hearing. Written public comments may be submitted via email (visit

1 <http://www.azcc.gov/utility/cons/index.htm> for instructions), or by mailing a  
 2 letter referencing Docket Number W-02450A-07-0290, to: Arizona  
 Corporation Commission, Consumer Services Section, 1200 West Washington,  
 Phoenix, AZ 85007.

3 The law provides for an open public hearing at which, under appropriate  
 4 circumstances, interested parties may intervene. Any person or entity entitled  
 by law to intervene and having a direct and substantial interest in the matter  
 5 will be permitted to intervene. If you would like to intervene, you must file a  
 written motion to intervene with the Commission, and you must send copies of  
 6 the motion to the Company or its counsel, and to all parties of record in the  
 case. Your motion to intervene must contain the following:

- 7 1. Your name, address, and telephone number, and the name, address, and  
 8 telephone number of any party upon whom documents are to be served in  
 your place, if desired;
- 9 2. A short statement of your interest in the proceeding (e.g., a customer of  
 the Company, a shareholder of the Company, etc.); and
- 10 3. A statement certifying that a copy of your motion to intervene has been  
 11 mailed to the Company or its counsel and to all parties of record in the  
 case.

12 The granting of motions to intervene shall be governed by A.A.C. R14-3-105,  
 13 except that all motions to intervene must be filed on or before January 22,  
2008. If representation by counsel is required by Rule 31 of the Rules of the  
 14 Arizona Supreme Court, intervention will be conditioned upon the intervenor  
 obtaining counsel to represent the intervenor. For information about requesting  
 15 intervention, visit the Arizona Corporation Commission's webpage at  
<http://www.azcc.gov/divisions/utility/forms.asp>. The granting of intervention,  
 16 among other things, entitles a party to present sworn evidence at hearing and to  
 cross-examine other witnesses. However, failure to intervene will not preclude  
 17 any customer from appearing at the hearing and making a statement on such  
customer's own behalf.

18 If you have any questions about this application, you may contact WUGT at  
 19 [insert telephone number]. If you wish to file written comments on the  
 application or want further information on intervention you may contact the  
 20 Consumer Services Section of the Commission at 1200 W. Washington St.,  
 Phoenix, AZ 85007, or call 1-800-222-7000.

21 The Commission does not discriminate on the basis of disability in admission to  
 22 its public meetings. Persons with a disability may request a reasonable  
 accommodation such as a sign language interpreter, as well as request this  
 23 document in an alternative format, by contacting the ADA Coordinator Linda  
 Hogan, E-mail [Lhogan@azcc.gov](mailto:Lhogan@azcc.gov), voice phone number 602/542-3931.  
 24 Requests should be made as early as possible to allow time to arrange the  
 accommodation.

25 IT IS FURTHER ORDERED that WUGT shall **mail to each property owner or property**  
 26 **owner representative** in the requested extension area a copy of the above notice and shall cause the  
 27 above **notice to be published** in a newspaper of general circulation in its service territory, with  
 28

1 publication and mailing to be completed no later than **January 7, 2008**.

2 IT IS FURTHER ORDERED that WUGT shall **file certification of publication/ mailing** as  
3 soon as practicable after the mailing/publication has been completed, but not later than **January 22,**  
4 **2008**.

5 IT IS FURTHER ORDERED that notice shall be deemed complete upon mailing and  
6 publication of same, notwithstanding the failure of an individual property owner to read or receive  
7 the notice.

8 IT IS FURTHER ORDERED that Staff shall file a **Staff Report in this matter** on or **before**  
9 **January 14, 2008**.

10 IT IS FURTHER ORDERED that any **objections to the Staff Report** shall be filed on or  
11 before **January 24, 2008**.

12 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113-Unauthorized  
13 Communications) continues to apply to this proceeding as the matter is set for public hearing.

14 IT IS FURTHER ORDERED that all parties must comply with Rule 31 and 38 of the Rules of  
15 the Arizona Supreme Court and A.R.S. § 40-243 with respect to practice of law and admission *pro*  
16 *hac vice*.

17 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance  
18 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Rule 42 of the  
19 Rules of Arizona Supreme Court). Representation before the Commission includes the obligation to  
20 appear at all hearings and procedural conferences, as well as all Open Meetings for which the matter  
21 is scheduled for discussion, unless counsel has previously been granted permission to withdraw by  
22 the Administrative Law Judge or the Commission.

23 ...

24 ...

25 ...

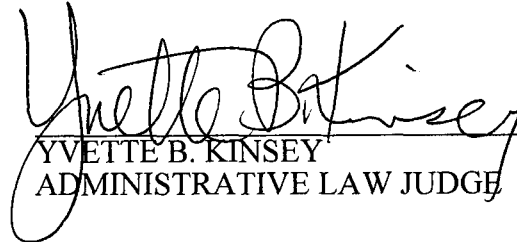
26 ...

27 ...

28 ...

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
2 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
3 hearing.

4 Dated this 10<sup>th</sup> day of December, 2007.

5  
6  
7   
8 YVETTE B. KINSEY  
ADMINISTRATIVE LAW JUDGE

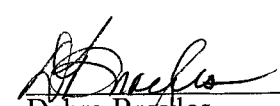
9 Copies of the foregoing mailed/delivered  
10 this 10<sup>th</sup> day of December, 2007 to:

11 Michael W. Patten  
12 Timothy J. Sabo  
13 ROSHKA, DEWULF & PATTEN, PLC  
14 One Arizona Center  
400 E. Van Buren, Suite 800  
Phoenix, AZ 85004  
Attorneys for Water Utility of Greater Tonopah

15 Christopher Kempley, Chief Counsel  
16 Legal Division  
ARIZONA CORPORATION COMMISSION  
17 1200 West Washington Street  
Phoenix, AZ 85007

18 Ernest G. Johnson, Director  
19 Utilities Division  
ARIZONA CORPORATION COMMISSION  
1200 West Washington Street  
Phoenix, AZ 85007

20 ARIZONA REPORTING SERVICE, INC.  
21 2200 North Central Avenue, Suite 502  
22 Phoenix, Arizona 85004

23 By:   
24 Debra Broyles  
25 Secretary to Yvette B. Kinsey  
26  
27  
28